

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Confirmation No.: 6450

FLYNN

Atty. Ref.: 550-488

Serial No. 10/715,593

TC/A.U.: 2863

Filed: November 19, 2003

Examiner: D. Pretlow

For: DATA PROCESSING PERFORMANCE CONTROL

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April 24, 2007

APR 24 2007

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

OFFICE OF PETITIONS

Sir:

PETITION TO WITHDRAW FROM ISSUE UNDER 37 CFR §1.313(C)

The instant application was allowed December 27, 2006 and the Issue Fee was paid March 23, 2007. An issue date of May 1, 2007 was indicated on the Issue Notification.

Applicant hereby requests that the instant application be withdrawn from issue pursuant to 37 C.F.R. §1.313(c)(2) in favor of an RCE. An RCE has been filed concurrently herewith in compliance with §1.114. Filed herewith along with the RCE is an Information Disclosure Statement.

Moreover, Applicant submits that the Information Disclosure Statement and RCE filing represents good and sufficient reason why this case should be withdrawn from issue.

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FLYNN

Serial No. 10/715,593

Thus, applicant respectfully requests that this application be withdrawn from issue pursuant to 37 C.F.R. §1.313(c)(2) so that the RCE and IDS filed herewith can be considered. Please feel free to contact the undersigned should any questions arise.

The USPTO is hereby authorized to charge the \$130.00 petition fee and any fees necessary to effect withdrawal of this case from issue and enable consideration of the concurrently filed RCE to Deposit Account No. 14-1140. A duplicate copy of this paper is attached.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

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FACSIMILE COVER SHEET

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FAX RECEIVED**PLEASE DELIVER IMMEDIATELY!!!!** APR 24 2007**OFFICE OF PETITIONS**Our Ref: 550-488Your Ref: Serial No. 10/715,593Date: April 24, 2007

TO:	<u>Office of Petitions</u>
FIRM:	<u>U.S. Patent and Trademark Office</u>
SUBJECT:	<u>US Serial No. 10/715,593</u>
FACSIMILE NO.:	<u>(571) 273-0025</u>
FROM:	<u>Stanley C. Spooner</u>

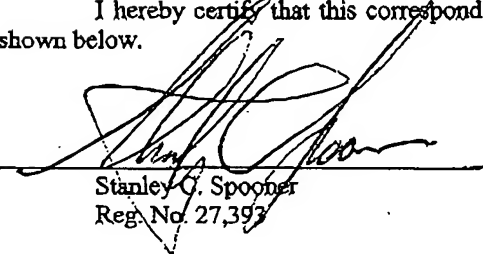
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Kristen M. McGee
FACSIMILE OPERATOR

ATTACHMENT: *Official Petition to Withdraw From Issue Under 37 CFR §1.313(c)
Request for Continued Examination (RCE)
Information Disclosure Statement w/ PTO/SB/08a*

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on the date shown below.


Stanley C. Spooner
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4/24/07
Date

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